

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

NO. CR. S-04-0026 WBS

Plaintiff,

v.

ORDER

SUSAN E. D'ORTA-BLEDSON,

Defendant.

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Defendant Susan E. D'Orta-Bledson moves for "correction, reduction and method by which to serve" her sentence and for "credits for time already served in custody." In the first sentence of her reply to the government's opposition to the motions, D'Orta-Bledson specifically disavows that she is challenging her sentence. Instead, she reaffirms that her motions relate simply to the number of days she is being credited for time served.

A motion for credit for time served can only be

1 brought by an action under 28 U.S.C. § 2241. Tucker v. Carlson,
2 925 F.2d 330, 331-332 (9th Cir. 1991); Adams v. United States,
3 372 F.3d 132, 135 (2nd Cir. 2004); see also Mujahid v. Daniels,
4 413 F.3d 991, 993-994 (9th Cir. 2004). Such an action must be
5 brought against the warden of the institution in which the
6 defendant is confined (28 U.S.C. § 2242; Rumsfeld v. Padilla,
7 542 U.S. 426, 434 (2004)) and should be filed in the district
8 where the defendant is confined. Id., at 442.

9 D'Orta-Bledsoe does not bring her motions against the
10 person having custody over her, nor has she filed the motions in
11 a court in the district in which she is confined.¹ In her reply
12 brief, seeks to justify bringing the motions in this district
13 upon the assertion that it was this court "that did not make the
14 necessary entry for the time credits (171 days) at the time of
15 sentencing and at the time of issuance of the J & C Order."
16 There is no requirement that this court make a calculation of
17 the number of days a defendant is to be credited for time served
18 and place that calculation the judgment. It is the
19 responsibility of the Bureau of Prisons to make that calculation
20 and to give the defendant credit for the correct amount of time
21 served.


22 Where, as here, the defendant is not seeking to
23 correct or reduce the sentence itself, Rule 35 of the Federal
24 Rules of Criminal Procedure, upon which D'Orta-Bledsoe seeks to
25 rely, does not provide a basis for challenging the manner in
26 which the court's judgment is being enforced. Thus, this court

27 ¹ From her pleadings, it appears that she is confined at
28 the Federal Medical Center at Carswell, in Fort Worth, Texas.

1 has no jurisdiction to consider D'Orta-Bledsoe's claim that she
2 is not being given credit for the full number of days served.

3 IT IS THEREFORE ORDERED that defendant Susan D'Orta-
4 Bledsoe's motions "for correction, reduction and method by which
5 to serve," and "for credits for time already served in custody"
6 be, and the same hereby are, DENIED, without prejudice to her
7 right to bring a proper action against the correct parties in
8 the district in which she is confined.

9 DATED: June 16, 2008

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11 WILLIAM B. SHUBB

12 UNITED STATES DISTRICT JUDGE
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